

ENTERED

February 14, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FOOD NOT BOMBS HOUSTON et al,

Plaintiffs,

v.

CITY OF HOUSTON, TEXAS

Defendant.§
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CIVIL ACTION NO. 4:24-CV-0338

ORDER OF PRELIMINARY INJUNCTION

Having heard the evidence and arguments presented by the parties at the preliminary injunction hearing, the Court finds that Plaintiffs have met the requirements for obtaining a preliminary injunction. As explained in the accompanying order, Plaintiffs have shown: (1) a substantial likelihood of success on the merits, (2) irreparable injury if the injunction is not granted, (3) that the injury outweighs any harm to the other party, and (4) that granting the injunction will not disserve the public interest. *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 882 (5th Cir. 2013) (citing *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)).

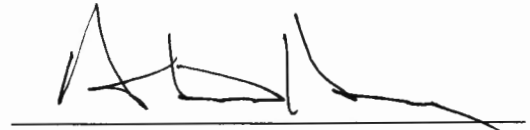
Consequently, the Court issues this preliminary injunction. The City of Houston and its officers, employees, and agents are hereby enjoined from enforcing § 20-252 and § 20-257 of the Houston City Code against Plaintiffs, FNBH members, and FNBH volunteers as they participate in their food-related protest at the Central Library location. Plaintiffs, of course, are to abide by all other City Ordinances and shall leave the premises in the condition in which they found it before the event began.

The Plaintiffs shall post a bond in the amount of \$25,000. Alternatively, Plaintiffs may elect to post a lower bond in the amount of \$2,500 *provided that* they meet the following conditions as to each of their events. They are to:

- bring adequate trash receptacles to the events and ensure that all waste and receptacles are removed following the event;
- provide handwashing stations, hand sanitizer, or hand wipes to all attendees;
- avoid congregating on sidewalks and in the streets so as to block a sidewalk or street; and
- ensure that any food-handling member (who has not already taken the City's food safety training) attend the free, virtual training offered from 12-2 p.m. on the third Saturday of every month. The next one should be this Saturday, February 17, 2024.

Plaintiffs are to certify to the Court which bond they are filing. If they choose the lower bond, that certification shall also include a sworn statement by a FNBH representative who has the authority to speak for the group that it will comply with the above conditions. This injunction becomes effective when the \$25,000 bond is filed or when the \$2,500 bond and sworn certificate are filed.

Signed at Houston, Texas, this 14th day of February, 2024.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

Andrew S. Hanen
United States District Judge